

LOCATION-CUSTODY

Eastern District of Washington
U.S. District Court (Yakima)
CRIMINAL DOCKET FOR CASE #: 1:15-mj-04044-JPH All Defendants
***** Internal Use Only *** Internal Use Only *** Internal Use Only *****

Case title: USA v. Blackeagle

Date Filed: 03/30/2015

Other court case number: 3:15-CR-86-EJL District of Idaho

Assigned to: Magistrate Judge
James P. Hutton

Defendant (1)

Norton Wesley Blackeagle, Jr

represented by **Rick Lee Hoffman**

Federal Defenders – YAK
306 East Chestnut Avenue
Yakima, WA 98901
509-248-8920

Fax: 509-248-9118

Email: rick_hoffman@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Federal Public Defender – YAK

Federal Defenders – YAK
Eastern Washington
306 East Chestnut Avenue
Yakima, WA 98901

Email: maria_deleon@fd.org

TERMINATED: 03/31/2015

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level
(Terminated)

None

Complaints**Disposition**18:113(a)(3) ASSAULT WITH A
DANGEROUS WEAPON**Plaintiff****USA**represented by **Thomas J Hanlon**

U S Attorney's Office – YAK

402 E Yakima Avenue

Suite 210

Yakima, WA 98901–2760

509–454–4425

Email: USAWAE.thanlonecf@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney*

Date Filed	#	Page	Docket Text
03/30/2015	<u>1</u>	4	RULE 5 DOCUMENTS RECEIVED from District of Idaho as to Norton Wesley Blackeagle, Jr (1) (KW, Case Administrator) (Entered: 03/30/2015)
03/30/2015	2		NOTICE OF HEARING – By Court as to Norton Wesley Blackeagle, Jr (1). Text entry; no PDF attached. Initial Appearance – Rule 5 set for 3/30/2015 at 02:00 PM in Yakima Courtroom 102 before Magistrate Judge James P. Hutton. (KW, Case Administrator) (Entered: 03/30/2015)
03/30/2015			(Court only) ***Attorney update: Attorney Thomas J Hanlon for USA added as to Norton Wesley Blackeagle, Jr (1). (KW, Case Administrator) (Entered: 03/30/2015)
03/30/2015	<u>3</u>	9	MOTION for Detention by USA as to Norton Wesley Blackeagle, Jr (1). (Hanlon, Thomas) (Entered: 03/30/2015)
03/30/2015	4		ORDER APPOINTING FEDERAL DEFENDER as to Norton Wesley Blackeagle, Jr (1). On the basis of the sworn financial statement, the court finds Defendant is financially unable to retain counsel. IT IS ORDERED the Federal Defenders of Eastern Washington are appointed to represent Defendant pursuant to Title 18 United States Code Sec. 3006A Appointed Federal Public Defender – YAK for Norton Wesley Blackeagle, Jr – Text entry;no PDF document will issue. This text–only entry constitutes the court order on the matter. Signed by Magistrate Judge James P. Hutton. (ASV,) (Entered: 03/30/2015)
03/30/2015	<u>5</u>	11	ORDER Following Initial Appearance on Rule 5 Indictment **ACTION

			REQUIRED** as to Norton Wesley Blackeagle, Jr (1). Bail Hearing set for 4/1/2015 at 2:00 PM in Yakima Courtroom 102 before Magistrate Judge James P. Hutton. Signed by Magistrate Judge James P. Hutton. (MO, Courtroom Deputy) (Entered: 03/30/2015)
03/30/2015	<u>6</u>	12	WAIVER of Rule 5 Hearings by Norton Wesley Blackeagle, Jr (1). (MO, Courtroom Deputy) (Entered: 03/30/2015)
03/30/2015	<u>7</u>	14	ACKNOWLEDGMENT OF NOTICE OF RIGHTS by Norton Wesley Blackeagle, Jr (1). (MO, Courtroom Deputy) (Entered: 03/30/2015)
03/30/2015	<u>8</u>		***CJA 23 Financial Affidavit by Norton Wesley Blackeagle, Jr (1). (MO, Courtroom Deputy) (Entered: 03/30/2015)
03/30/2015	<u>9</u>	16	ASSERTION OF FIFTH AND SIXTH AMENDMENT RIGHTS by Norton Wesley Blackeagle, Jr (1). (MO, Courtroom Deputy) (Entered: 03/30/2015)
03/30/2015	<u>10</u>	17	Minute Entry for proceedings held before Magistrate Judge James P. Hutton: Initial Appearance in Rule 5 Proceedings as to Norton Wesley Blackeagle, Jr (1) held on 3/30/2015 (Reported/Recorded by: FTR/Y-102) (KW, Case Administrator) (Entered: 03/31/2015)
03/31/2015	<u>11</u>	18	NOTICE OF ATTORNEY APPEARANCE: Rick Lee Hoffman appearing for Norton Wesley Blackeagle, Jr (1) (Attorney Rick Lee Hoffman added to party Norton Wesley Blackeagle, Jr(pty:dft))(Hoffman, Rick) (Entered: 03/31/2015)
04/01/2015	<u>12</u>		***Pretrial Services Report as to Norton Wesley Blackeagle, Jr (1) (Escamilla, Ana) (Entered: 04/01/2015)
04/01/2015	<u>13</u>	20	ORDER Granting <u>3</u> The United States' Motion for Detention and Order of Removal (USM Action Required) as to Norton Wesley Blackeagle Jr (1). Signed by Magistrate Judge James P. Hutton. (MO, Courtroom Deputy) Modified on 4/2/2015 to correct case number (MO, Courtroom Deputy). (Entered: 04/01/2015)
04/01/2015	<u>14</u>	22	Minute Entry for proceedings held before Magistrate Judge James P. Hutton: Rule 5 Bail Hearing as to Norton Wesley Blackeagle, Jr (1) held on 4/1/2015 (Reported/Recorded by: FTR/Y-102) (KW, Case Administrator) (Entered: 04/02/2015)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 1:15-MJ-4044-JPH
vs.)	
NORTON WESLEY BLACKEAGLE,)	
JR.,)	
)	
Defendant.)	
_____)	

Received Rule 5 papers from the United States District Court,
District of Idaho

WENDY J. OLSON, IDAHO STATE BAR NO. 7634
UNITED STATES ATTORNEY
TRACI J. WHELAN, IDAHO STATE BAR NO. 4416
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF IDAHO
6450 N. MINERAL DRIVE SUITE 210
COEUR D'ALENE, ID 83815
TELEPHONE: (208) 667-6568
FACSIMILE: (208) 667-0814

U.S COURTS

MAR 17 2015

Rcvd _____ Filed _____ Time _____
ELIZABETH A. SMITH
CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NORTON WESLEY BLACKEAGLE, JR.,

Defendant.

Case No.

CR 15-086-C-EJL

INDICTMENT

18 U.S.C. § 113(a)(3)

18 U.S.C. § 924(d)

28 U.S.C. § 2461(c)

The Grand Jury charges:

COUNT ONE

**Assault with a Dangerous Weapon
18 U.S.C. § 113(a)(3)**

On or about August 12, 2014, in the District of Idaho, and within the exterior boundaries of the Nez Perce Indian Reservation, the defendant, Norton Wesley Blackeagle, Jr., an Indian, did assault A.F. , a non-Indian, with a dangerous weapon with the intent to cause bodily injury by knowingly and intentionally using a display of force that reasonably caused A.F. to fear

INDICTMENT - 1

immediate bodily harm to-wit: the defendant pointed a Jennings 9mm pistol at A.F. and told him he was going to shoot him; all in violation of Title 18, United States Code, Section 113(a)(3).

CRIMINAL FORFEITURE ALLEGATION

**Firearm Forfeiture
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(e)**

Upon conviction of the offense in violation of Title 18, United States Code, Section 113(a)(3), set forth in Count One of this Indictment, the defendant, Norton Wesley Blackcagle, Jr., shall forfeit to the United States, any firearms or ammunition involved in or used in the commission of the offense including, but not limited to, the following:

Jennings 9 mm handgun, serial number: 1354707

Substitute Assets:

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

DATED this 17th day of March, 2015.

A TRUE BILL

/s/ [signature on reverse]

FOREPERSON

WENDY J. OLSON
United States Attorney
By:



TRACI J. WHELAN
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

UNITED STATES OF AMERICA
v.
NORTON WESLEY BLACKEAGLE, JR.,

WARRANT FOR ARREST

CASE NUMBER: 3:15-CR-86-EJL

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest NORTON WESLEY BLACKEAGLE, JR. and bring forthwith to the nearest magistrate to answer **INDICTMENT** charging with the below listed violation.

18 U.S.C. §§ 113(a)(3) ASSAULT WITH A DANGEROUS WEAPON



United States Courts
District of Idaho

ISSUED

Jill Palkoner
on Mar 18, 2015 2:42 pm

Jill Palkoner, Deputy Clerk
Name and Title of Issuing Officer

March 18, 2015
Date

RETURN

This warrant was received _____ and executed with the arrest of the above-named individual at _____.

Signature of Arresting Officer

Date of Arrest

Name & Title of Arresting Officer

MICHAEL C. ORMSBY
United States Attorney
Eastern District of Washington
THOMAS J. HANLON
Assistant United States Attorney
402 E. Yakima Avenue, Suite 210
Yakima, Washington 98901
(509) 454-4425

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NORTON W. BLACKEAGLE JR.,

Defendant.

NO: 1:15-mj-04044-JPH

MOTION FOR DETENTION

The United States moves for pretrial detention of Defendant, pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check one or more):

- ☐ Crime of violence (as defined in 18 U.S.C. § 3156(a)(4) which includes any felony under Chapter 109A, 110 and 117),
- ☐ Maximum penalty of life imprisonment or death,
- ☐ Drug offense with maximum penalty of 10 years or more,
- ☐ Felony, with two prior convictions in above categories,
- ☒ Felony that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or any other dangerous

weapon, or involves a failure to register under 18 U.S.C.
section 2250,

- ☒ Serious risk Defendant will flee, or
- ☒ Serious risk obstruction of justice.

2. Reason For Detention. The Court should detain Defendant
because there is no condition or combination of conditions which
will reasonably assure (check one or both):

- ☒ Defendant's appearance as required, or
- ☒ Safety of any other person and the community.

3. Rebuttable Presumption. The United States (☐ will or ☐ will not)
invoke the rebuttable presumption against Defendant under Section
3142(e). The presumption applies because there is probable cause
to believe Defendant committed: If no, check nothing, if yes check
all that apply

- ☐ Drug offense with maximum penalty of 10 years or more,
- ☐ 18 U.S.C. § 924(c) firearms offense, or
- ☐ Kidnaping, sexual crimes, or child pornography offenses, or
Crime of violence (as defined in 18 U.S.C. § 3156(a)(4).

4. Time For Detention Hearing. The United States requests the Court
conduct the detention hearing:

- ☒ At the first appearance, or
- ☐ After a continuance of three days.

5. Other Matters.

Dated this 30th day of March, 2015.

s/Thomas J. Hanlon
THOMAS J. HANLON
Assistant United States Attorney

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 1:15-MJ-4044-JPH-1

Plaintiff,

ORDER FOLLOWING

vs.

INITIAL APPEARANCE ON RULE 5
INDICTMENT

NORTON WESLEY BLACKEAGLE,

JR,

☒ ACTION REQUIRED

Defendant.

At Defendant's March 30, 2015 Initial Appearance based on the Rule 5 Indictment filed in the District of Idaho, Defendant appeared, in custody, with Assistant Federal Defender Rick Hoffman. Assistant U.S. Attorney Shawn Anderson represented the United States.

Defendant was advised of, and acknowledged his rights.

Defendant, individually and through counsel, waived the right to an identity hearing, pursuant to Rule 5. Defendant's waiver is accepted as knowing and voluntary. The bail hearing and hearing on the Government's Motion for Detention (ECF No. 3) is set: **Wednesday, April 1, 2015 at 2:00 p.m.** in Yakima, Washington before the undersigned. Pending the hearing, Defendant shall be detained in the custody of the United States Marshal and produced for the hearing or until further order of the Court.

The U.S. Probation Office personnel shall prepare a Pretrial Services Report prior to the bail hearing, and shall notify defense counsel prior to interviewing Defendant.

DATED March 30, 2015.

s/James P. Hutton

JAMES P. HUTTON

UNITED STATES MAGISTRATE JUDGE

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

NORTON WESLEY BLACKEAGLE, JR.,

Defendant.

WAIVER OF RULE 5 HEARINGS

(1) remain silent, knowing that if I make a statement, it can be used against me; (2) retain counsel or have counsel appointed for me; (3) an identity hearing to determine if I am the person sought by the prosecuting district; and (4) plead guilty to the charge in this district, if I and the United States Attorneys in this district and in the requesting district agree.

I WAIVE (GIVE UP) MY RIGHT TO A(N):

- If this matter is proceeding by **INDICTMENT**:

I WAIVE (GIVE UP) MY RIGHT TO A(N)

- ☒ identity hearing in this district
☐ bail hearing in this district

1 If this matter is proceeding by **PETITION**:

2 **I WAIVE (GIVE UP) MY RIGHT TO A(N)**

- 3 ☐ identity hearing in this district
4 ☐ probable cause hearing in this district
5 ☐ bail hearing in this district


6 If this matter is proceeding by **WARRANT**:

7 **I WAIVE (GIVE UP) MY RIGHT TO A(N)**

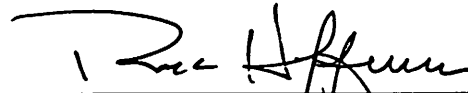
- 8 ☐ identity hearing in this district
9 ☐ bail Hearing in this district

10 and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting
11 district where the charge is pending against me.

12 As to those hearings which are waived in this district, other than the identity hearing, I
13 **RESERVE** the right to have those hearings in the prosecuting district.

14 
15 Defendant

16 3/30/15
17 Date

18 
19 Defense Counsel

20 Interpreted by (if applicable):
21
22
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25

(Sign and Print Name)

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 30 2015

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1	UNITED STATES OF AMERICA,)	
2)	
3	Plaintiff,)	NO. 1:15-MJ-4044-JPH
4)	
5	v.)	ACKNOWLEDGMENT OF NOTICE OF
6)	RIGHTS
7	NORTON WESLEY BLACKEAGLE, JR.,)	(FED. R. CRIM. P. 5)
8)	
9	Defendant.)	(Complaint or Indictment)
10)	
11)	

The undersigned defendant does hereby acknowledge: I appeared on this date and was advised as follows:

1) Of the charge or charges placed against me, and I acknowledge receipt of a copy of the:

☐ Complaint
☒ Indictment

which specifically sets forth the allegations;

2) That I have been advised of the maximum penalty provided by law;

3) My right to remain silent at all times and if I make a statement it can be used against me;

4) My right to retain my own counsel, and if I am without funds, to have counsel appointed to represent me in this district and the requesting district;

5) My right to have a preliminary examination hearing, if charged by Complaint, before a United States Magistrate Judge and to have counsel present at that hearing, or waive this hearing in writing;

6) My right to a jury trial before a United States District Judge, to be confronted by the United States' witnesses, and have witnesses attend on my behalf;

7) My right to state in writing a wish to plead guilty or nolo contendere, to waive trial in the district in which the Indictment is pending, and to consent to disposition of this case in

1 this district, subject to the approval of the United States Attorney
2 for the charging district and this district;

3 8) My right to an identity hearing to ascertain if I am the
4 person named in the charging document or to waive this hearing in
5 writing;

6 9) My right to a detention hearing within three business
7 days, if the United States moves for detention, and to be
8 represented by counsel at that hearing;

9 10) My right, if I am not a United States citizen, to request
10 a Government attorney or law enforcement official notify my
11 country's consulate of my arrest or detention.

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28
3/30/15
Date

Defendant

Interpreted by (if applicable):

(Sign and Print Name)

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 30 2015
SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
)
Plaintiff,) 1:15-MJ-4044-JPH
)
vs.) Defendant's Assertion of
) Fifth and Sixth Amendment
NORTON WESLEY BLACKEAGLE, JR.,) Rights
)
Defendant.)
_____)

TO: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY

I, the above-named defendant, hereby assert my rights under the Fifth and Sixth Amendments of the United States Constitution, including but not limited to my rights to remain silent and to have counsel present at any and all of my interactions with the government or others acting on the government's behalf. I do not wish to, and will not, waive any of my constitutional rights except in the presence of counsel. I do not wish to have, nor do I consent to, any contact with any government official, including but not limited to law enforcement agents, except through my counsel. I do not want the government or others acting on the government's behalf to question me, or to contact me seeking a waiver of any rights, unless my counsel is present. The Government should so instruct its agents.

DATED this 30 day of March, 2015

Respectfully Submitted,

Norton W. Blackeagle
DEFENDANT

Defendant's Assertion of
Fifth and Sixth Amendment Rights

United States District Court, Eastern District of Washington
Magistrate Judge James P. Hutton
Yakima

USA v. Case No. 1:15-MJ-4044-JPH
NORTON WESLEY BLACKEAGLE, JR.

Rule 5 Initial Appearance on Indictment: 03/30/2015

<input checked="" type="checkbox"/> Karen White, Courtroom Deputy <input checked="" type="checkbox"/> Erica Helms, US Probation / Pretrial Services Officer <input checked="" type="checkbox"/> Defendant present in custody USM	<input checked="" type="checkbox"/> Shawn Anderson, US Atty <input checked="" type="checkbox"/> Rick Hoffman, Defense Atty Interpreter - NOT REQUIRED
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<input checked="" type="checkbox"/> USA Motion for Detention <input type="checkbox"/> USA not seeking detention <input checked="" type="checkbox"/> Financial Affidavit (CJA 23) filed <input checked="" type="checkbox"/> The Court will appoint the Federal Defenders <input type="checkbox"/> Based upon conflict with Federal Defenders, the Court will appoint a CJA Panel Attorney <input type="checkbox"/> Conditions of Release Imposed <input type="checkbox"/> 199C Advice of Penalties/Sanctions <input type="checkbox"/> Ordered Release on Personal Recognizance; 199C Not Required	<input checked="" type="checkbox"/> Rights given <input checked="" type="checkbox"/> Acknowledgment of Rights filed <input checked="" type="checkbox"/> Defendant received copy of charging document <input type="checkbox"/> Defendant waived reading of charging document <input checked="" type="checkbox"/> Charging document read in open court <input checked="" type="checkbox"/> Pre-Trial Services Report ordered <input checked="" type="checkbox"/> Waiver of Rule 5 Hearings filed <input type="checkbox"/> Court Ordered Removal to Charging District
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REMARKS

Defendant appeared and was assisted by counsel and advised of their rights and the allegations contained in the charging document.

The Court ordered:

1. Defendant shall be detained by the U. S. Marshal until further order of the Court.

Identity Hrg:	<i>Waived by Defendant</i>
Bail Hrg:	04/01/2015 2:00 Y/JPH

Rick L. Hoffman
FEDERAL DEFENDERS OF EASTERN WASHINGTON AND IDAHO
306 East Chestnut Avenue
Yakima, Washington 98901
(509) 248-8920

Attorneys for Defendant
NORTON WESLEY BLACKEAGLE, JR.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
(HONORABLE JAMES P. HUTTON)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	1:15-MJ-4044-JPH
)	
vs.)	NOTICE OF APPEARANCE
)	
NORTON WESLEY BLACKEAGLE, JR.,)	
)	
Defendant.)	
)	

TO: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY
THOMAS J. HANLON, ASSISTANT UNITED STATES ATTORNEY

Please take notice that Rick L. Hoffman of the Federal Defenders of Eastern Washington and Idaho hereby enters his appearance as counsel of record in this matter. All future correspondence and court filings should be forwarded directly to the address listed above.

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NOTICE OF APPEARANCE

1 DATED: March 31, 2015.

2 Respectfully Submitted,

3
4 s/Rick L. Hoffman
5 Rick L. Hoffman, 9478
6 Attorney for NORTON WESLEY BLACKEAGLE, JR.
7 Federal Defenders of Eastern
8 Washington and Idaho
9 306 East Chestnut Avenue
10 Yakima, Washington 98901
11 (509) 248-8920
12 Rick_Hoffman@fd.org

13 CERTIFICATE OF SERVICE

14 I hereby certify that on March 31, 2015, I electronically filed the Notice
15 of Appearance with the Clerk of the Court using the CM/ECF System which
16 will send notification of such filing to the following: THOMAS J. HANLON,
17 Assistant United States Attorney.

18 s/Rick L. Hoffman

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA

No. 1:15-MJ-04044-JPH

Plaintiff,

ORDER GRANTING THE UNITED
STATES' MOTION FOR
DETENTION AND ORDER OF
REMOVAL

vs.

NORTON WESLEY BLACKEAGLE,

☒ MOTION GRANTED
(ECF No. 3)

JR. ,

Defendant.

Date of bail hearing: 04/01/2015

The Court has conducted a bail hearing pursuant to 18 U.S.C. § 3142(f), and has considered the Pretrial Services Report and proffers of the parties. The Government contended that a rebuttal presumption against release applies in this case.

The Court has considered and evaluated the four factors outlined in 18 U.S.C. § 3142(g) to decide whether there were conditions of release that would reasonably assure the Defendant's appearance in court and the safety of the community: (1) the nature and circumstances of the offense; (2) the weight of evidence against the Defendant; (3) the history and characteristics of the Defendant; and (4) the nature and seriousness of the danger the Defendant would present to the community if released. The Court, based upon the factual findings and statement of reasons for detention hereafter set forth, and as stated in court, finds the following:

ORDER - 1

- 1 ☒ Defendant has a history of: ☐ Failures to appear
2 ☒ Failures to comply
3 ☒ Defendant has a criminal history involving a previous violent offense.
4 ☒ Defendant has been non-compliant while under supervision.
5 ☒ By a preponderance of the evidence there are no conditions or combination
6 of conditions other than detention that will reasonably assure the appearance of
7 Defendant as required.
8 ☒ By clear and convincing evidence there are no conditions or combination of
9 conditions other than detention that will ensure the safety of the community.

10 **IT IS ORDERED:**

- 11 1. The Government's Motion for Detention (**ECF No. 3**) is **GRANTED**.
12 2. Defendant is committed to the custody of the United States Marshal for
13 detention until further order of the Court, and for removal as soon as reasonably
14 possible to the District of Idaho.
15 3. Defendant shall be made reasonably available for communication with
16 court-appointed counsel.

17 DATED April 1, 2015.

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19 s/James P. Hutton
20 JAMES P. HUTTON
21 UNITED STATES MAGISTRATE JUDGE
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United States District Court, Eastern District of Washington
Magistrate Judge James P. Hutton
Yakima

USA v.
NORTON WESLEY BLACKEAGLE,
JR.

Case No. 1:15-MJ-4044-JPH

Rule 5 Bail Hearing:

04/01/2015

- | | |
|---|---|
| <input checked="" type="checkbox"/> Karen White, Courtroom Deputy | <input checked="" type="checkbox"/> Shawn Anderson, US Atty |
| <input checked="" type="checkbox"/> Erica Helms, US Probation / Pretrial Services | <input checked="" type="checkbox"/> Rick Hoffman, Defense Atty |
| <input checked="" type="checkbox"/> Defendant present <input checked="" type="checkbox"/> in custody USM
<input type="checkbox"/> out of custody | Interpreter - NOT REQUIRED |
| <input checked="" type="checkbox"/> Defendant continued detained | <input type="checkbox"/> Defendant not present / failed to appear |
| <input type="checkbox"/> | <input type="checkbox"/> Conditions of Release imposed |
| <input type="checkbox"/> | <input type="checkbox"/> 199C Advice of Penalties/Sanctions |

REMARKS

USA proffered the pretrial services bail report in support of detention and argued for continued detention of Defendant.

Defense counsel argued for Defendant's release on conditions.

The Court ordered:

1. USA's Motion for Detention is **granted**.
2. Defendant shall be detained by the U.S. Marshal until further order of the Court.
3. REMOVAL of Defendant to the charging district.